

Since we take this historic step near the end of the 110th Congress, we intend to move the legislation forward next Congress and work with all parties to address their concerns while maintaining public health protection.

We are taking this action because many of our constituents have suffered and passed away due to asbestosis, mesothelioma, lung cancer and other asbestos-related diseases and yet asbestos remains a legal product for many uses. Many workers in the 29th Congressional District of Texas were tragically lost due to their hard work in the shipping and maritime industries.

Many longshoreman, pipefitters, seafarers, and other maritime workers have been exposed to deadly asbestos risks, so Houston is no stranger to the scourge of asbestos, as uncounted families continue to grieve their loss day after day.

In 2000, a highly-valued Member of this House, Congressman Bruce Vento of Minnesota, was tragically lost to mesothelioma. He had made the protection of public health and the environment one of his priorities in Congress, and he represented his district extremely well.

We have worked very closely on this legislation with his successor, Congresswoman BETTY McCOLLUM, who is equally devoted to the protection of her constituents and the legacy of Congressman Vento. Congresswoman McCOLLUM's expertise, urgency and constructive attitude should be an inspiration to us all on this issue.

I would also like to recognize my good friends and colleagues on the Energy and Commerce Committee, Congresswoman HILDA SOLIS and Congresswoman LOIS CAPPS for their strong support and valuable contribution to this important legislation. Like many Members, they also represent too many families that have been devastated by asbestos-related disease.

For many years, statistics were inaccurate, but recent medical knowledge reveals that nearly 10,000 people continue to die each year as a result of asbestos-related disease. With such a horrible toll, many Americans may believe that asbestos was already banned.

In fact, EPA attempted to ban asbestos in products in 1989, well after the deadly effects were well-known, but their decision was overturned by the Fifth Circuit Court of Appeals in 1991 in the case *Corrosion Proof Fittings v. EPA*. This ruling based on the statutory interpretation of the Toxics Substances Control Act and administrative law kept the market for asbestos-containing products alive, while thousands continued to die.

The Bruce Vento Act does not permit asbestos in products sold in the U.S. in any concentration, except for those products that meet certain narrow, justifiable, and unavoidable exceptions and exemptions.

These exceptions apply when asbestos is present in a product due to deposition from ambient air, or from water that meets the Safe Water Drinking Act standard for asbestos. The limited exemptions from the prohibition banning asbestos-containing products take into account public health considerations and apply in specific situations and for certain products, such as aggregate products, like asphalt or concrete, or certain minerals that can be associated with asbestos.

These exemptions are narrowly tailored to reduce asbestos in products to the maximum

extent possible. While asbestos is a naturally occurring mineral, it does not enter the stream of commerce without being brought there by economic activity.

As a result, we limit exemptions to situations where very low concentrations of asbestos are unavoidable. However, we continue to recognize that U.S. Environmental Protection Agency experts and others testified before our Committee that there is no known safe level of asbestos and it remains highly toxic even in very low concentrations.

Regarding these narrow exemptions, the legislative language is also quite clear that no exemption from an asbestos ban—either statutory or regulatory—should have any bearing on any litigation on one side or the other.

Our legislation explicitly takes care to not create any new federal causes of action or defenses for plaintiffs or defendants. In the United States, the courthouse doors should always be open to people with valid claims, but our goal is to reduce the need for such claims to be filed in the first place by avoiding asbestos-related injuries and deaths.

To prevent asbestos from entering the stream of commerce, our legislation provides for civil and criminal penalties for selling asbestos containing products consistent with other environmental laws. To be liable for criminal penalties, a violation must be knowing or willful.

As the chairman of the Environment and Hazardous Materials Subcommittee, I intend to work with my colleagues and all parties and move this legislation next year.

HONORING DR. HOWARD KOCH,  
OHIO'S 2008 OUTSTANDING OLDER  
WORKER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 16, 2008*

Mr. JORDAN of Ohio. Madam Speaker, I am pleased to commend Dr. Howard Koch of Lima, OH, to the House of Representatives as Ohio's 2008 Outstanding Older Worker.

Eighty-four years young, Dr. Koch performed general dentistry for 45 years. After selling his practice, he has continued to perform denture work for the past 12 years. About his life's work, Dr. Koch stated, "Work—it's not really work. I like what I do and when you like what you do, it's not work."

Dr. Koch has many accomplishments to his name from his distinguished career. In the 1960s, he co-chaired a committee to have fluoride added to Lima's water supply. He also made the first mouthguards for area football players. He has served as president of the Northwest Ohio Dental Association.

Though Dr. Koch has enjoyed a wonderful career, he did not always intend to be a dentist. He served as a bombardier during World War II and attained the rank of Second Lieutenant. He originally planned to be a teacher after serving in the military but changed his mind and entered the field of dentistry.

Though he keeps busy with his denture practice, Dr. Koch enjoys spending his free time cooking and baking homemade bread. He also enjoys dabbling in photography. He and his wife Patricia have been married for 63 years.

Madam Speaker, I take great pride today in recognizing Ohio's 2008 Outstanding Older Worker, Dr. Howard Koch.

IN MEMORY OF JOHN F.  
SEIBERLING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 16, 2008*

Mr. UDALL of Colorado. Madam Speaker, like so many of our colleagues I heard with great sorrow of the passing of former Representative John F. Seiberling of Ohio.

While I did not have the opportunity to serve with Mr. Seiberling, I knew of his distinguished career and especially of his being a longtime friend and colleague of my father, both during and after his own service in the House.

My father and John Seiberling not only served at the same time, they worked closely together on many measures that came before what was then the Committee on Interior and Insular Affairs—now known as the Natural Resources Committee.

Examples include the legislation dealing with strip mining, the Surface Mining Control and Reclamation Act, finally signed into law by President Carter after President Ford had vetoed an earlier version, and the Alaska National Interest Lands Conservation Act, ANILCA, also known as the "Alaska Lands Act," which was signed into law on December 2, 1980.

Also, for many years John Seiberling was the voice of historic preservation in the Congress. He authored the legislation that created the Historic Preservation Fund and the 1980 Amendments to the National Historic Preservation Act, and he helped win passage of the first Federal tax credits to preserve historic buildings.

Indeed, both as a private citizen and a public leader, John Seiberling inspired and elevated the stewardship of our Nation's land and its natural and cultural heritage.

At home, he was a leader in saving the historic heritage of Ohio, including his birthplace, Stan Hywet Hall in Akron. And while he was the shepherd of more than 60 park-related bills, he took special pride in writing and achieving the enactment of the Act to protect the Cuyahoga Valley between Akron and Cleveland, Ohio, as a national recreation area, now a national park.

As his hometown paper, the Akron Beacon Journal put it "John F. Seiberling often explained that in preserving land, we preserve something of ourselves. One generation sends an enduring message to its successors about what it holds dear. Who has forgotten the wisdom of Theodore Roosevelt and others advancing the cause of national parks? In that same way, Mr. Seiberling long will be remembered . . . for his vision in seeking to preserve 33,000 acres in Northeast Ohio, a vast urban parkland between Akron and Cleveland, and then having the political skills to turn the dream into reality."

And the same editorial also noted an important point about John Seiberling's character and why he was so effective here in Congress and back home:

Almost anyone who spent time with Mr. Seiberling soon encountered his intelligence